

UTAH STATE OFFICE OF EDUCATION  
LEGISLATIVE TRACKING SHEET  
February 1, 2010

2010 EDUCATION-RELATED BILLS

KEY: S = Support  
O = Oppose  
N = No Position  
C = Concept  
U = Unnecessary

H = Hold for Further Study  
I = Recommended Interim Study  
W = Watch  
LI = Local Issues  
W/C = With Comments

STATUS KEY: H = House  
S = Senate  
C = Standing Committee  
R = Rules Committee  
L = Legislative Research and General Counsel  
GS = Governor Signed

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Bill #	Title	Sponsor	Description	*Status	USBE	USBA/ USSA	PTA	UEA	UAESP	UASSP	USEA
<a href="#">HB 1</a>	Minimum School Program Base Budget	M. Newbold	This bill appropriates state and local funds for the Minimum School Program for fiscal year 2010-11; appropriates \$22,049,700 to the State Board of Education for fiscal year 2010-11 for school building aid programs for school districts; establishes the value of the weighted pupil unit at \$2,487 for fiscal year 2010-11; establishes the estimated minimum basic tax rate at .001513 for fiscal year 2010-11. This bill appropriates: as an ongoing appropriation, the following Minimum School Program monies: \$1,990,547,523 from the Uniform School Fund for fiscal year 2010-11; and \$20,000,000 from the Uniform School Fund Restricted - Interest and Dividends Account for fiscal year 2010-11; and as an ongoing appropriation, \$22,049,700 from the Uniform School Fund for school building aid programs for fiscal year 2010-11. This bill takes effect on July 1, 2010.	HR							
<a href="#">HB 21</a>	Expungement Revisions	J. Fisher	This bill creates a specific definition of expungement; sets out the steps a petitioner must take to obtain an expungement; specifies what cannot be expunged; allows the Bureau of Criminal Identification to charge application and issuance fees; requires the bureau to expedite the eligibility process for a person who is acquitted; and changes how agencies handle expunged records.	H							
<a href="#">HB 27</a>	Per Diem and Travel Expense Modifications	C. Frank	This bill replaces language used to describe per diem and travel expenses for members of boards, commissions, councils, and committees with standardized language.	PSC							
<a href="#">HB 29</a>	School District Division Amendments	L. Black	This bill requires the election, at the next general election following voter approval of the proposal to create a new school district, of: the school board members for the existing school district whose terms are expiring; all members to the school board of the new school district; and all members to the school board of the remaining school district; modifies the effective date for the new school district; and modifies certain provisions relating to the allocation of school district property.	PSC	S	H					
<a href="#">HB 42</a>	School District Employees - Career Status Requirements	R. Menlove	This bill modifies the Utah Orderly School Termination Procedures Act regarding requirements for school district employees to obtain career status to allow a local school board to determine the number of years, within a range of three to five years, a provisional employee must work to obtain career status.	HC		S					
<a href="#">1SHB 42</a>	School District Employees - Career Status Requirements	R. Menlove	This bill allows a school district to extend the period of time a provisional employee must work to obtain career status.	PH	S	S					
<a href="#">HB 71</a>	Nicotine Product Restrictions	P. Ray	This bill amends provisions of the Uniform Driver License Act, provisions relating to the state system of public education, the Utah Criminal Code, and the Utah Code of Criminal Procedure to place restrictions on the provision, obtaining, and possession of a nicotine product and to enforce these restrictions.	HC							
<a href="#">1SHB 71</a>	Nicotine Product and Flavored Smokeless Tobacco Restrictions	P. Ray	This bill amends provisions of the Uniform Driver License Act, provisions relating to the state system of public education, the Utah Criminal Code, and the Utah Code of Criminal Procedure to place restrictions on the provision, obtaining, and possession of a nicotine product, or a flavored tobacco product, and to enforce these restrictions.	HC							
<a href="#">HB 72</a>	Utah School Seismic Hazard Inventory	L. Wiley	This bill enacts the School Seismic Safety Act which: requires a school district or charter school to conduct a seismic evaluation of each facility used by the school district or charter school using specified standards; and directs the State Board of Education to adopt rules. This bill appropriates: for fiscal year 2010-11 only, \$500,000 from the General Fund to the State Board of Education. This bill takes effect on July 1, 2010.	HC	H	H					
<a href="#">HB 81</a>	School Employee Criminal Background Check	S. Allen	This bill allows a school district or charter school to require an employee to periodically submit to a criminal background check in accordance with rules of the State Board of Education or policies of the local school board or charter school governing board; provides that a school district, charter school, or private school may require an applicant or employee to pay for the costs of a criminal background check; allows the State Board of Education to require an educator to submit to a criminal background check where reasonable cause exists; and makes technical amendments.	PH	S	S					
<a href="#">HB 88</a>	Electronic Cigarette Restrictions	R. Menlove	This bill defines terms; makes it a class A misdemeanor to knowingly acquire, use, display, or transfer a false or altered driver license certificate or identification card to procure an electronic cigarette; provides that the State Board of Education may, and local boards of education and governing boards of charter schools shall, adopt rules that prohibit the illicit use, possession, or distribution of an electronic cigarette; and describes when free distribution of an electronic cigarette is prohibited and provides criminal penalties for violation of those prohibitions.	PHC		S					

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<a href="#">HB 90</a>	Income Tax Amendments	B. King	This bill creates income tax brackets; and increases individual income tax rates on taxpayers with state taxable income above certain levels. This bill takes effect for a taxable year beginning on or after January 1, 2011.	HR							
<a href="#">HB 99</a>	Background Checks for School Sports Officials	L. Black	This bill requires an individual to submit to a background check before becoming certified as an official; requires an official to pay the cost of a background check; provides procedures to appeal; and with certain exceptions, prohibits individuals who have not had a background check as part of their certification process from officiating at secondary school athletic competitions.	HC	U	H					
<a href="#">HB 103</a>	Reduced Speed School Zone Amendments	S. Sandstrom	This bill provides that notwithstanding any contrary rule made by the Department of Transportation, a local highway authority may establish a reduced speed school zone at a signalized intersection for a highway under its jurisdiction.	HC		S					
<a href="#">HB 105</a>	Public School Employee Auditory Protection Requirements	L. Black	This bill requires a local school board or charter school governing board, in consultation with the Division of Occupational Safety and Health, to set safety standards for employees exposed to certain levels of sound; and provides employees at risk of hearing damage with a minimum level of hearing protection.	HR		U					
<a href="#">HB 117</a>	Public Education Capital Outlay Act	M. Brown	This bill modifies the Capital Outlay Foundation Program by: eliminating base funding except for school districts with fewer than 1,000 pupils in average daily membership; setting the base tax effort rate at the average of the highest school district's capital and debt service levies and the statewide average of school districts' capital and debt service levies; and directing the State Board of Education to determine a school district's allocation of funds under the program using data from the fiscal year two years prior to the fiscal year the school district receives the allocation; modifies the fiscal year of the data that is used to determine a school district's allocation of funds under the Enrollment Growth Program; and makes technical amendments.	HR		S					
<a href="#">HB 194</a>	Grants for Math Teacher Training	B. Last	This bill appropriates money to the State Board of Education to award grants to institutions of higher education or nonprofit education organizations for math teacher training programs; specifies the qualifications of individuals eligible to receive the training; and requires the State Board of Education to make rules establishing criteria for awarding grants for math teacher training programs. This bill appropriates as an ongoing appropriation subject to future budget constraints, \$250,000 from the Uniform School Fund for fiscal year 2010-11 to the State Board of Education.	HR	O W/C	O					
<a href="#">HB 205</a>	Impact Fee Amendments	S. Sandstrom	This bill requires that an impact fee enactment allow, in certain circumstances, a developer to receive a credit against or proportionate reimbursement of an impact fee if the developer is a school district or charter school; requires that a local political subdivision or private entity imposing an impact fee on a school district or charter school include a provision in the impact fee enactment that requires credit against the impact fee for a facility that is not for the exclusive use of the school district or charter school, regardless of whether the facility is identified as a system improvement in a capital facilities plan; prohibits a local political subdivision from imposing an impact fee on a school district or charter school for: a storm water drainage system or a storm water collection system that is enclosed on school property; with certain exceptions, roadway facilities; or development activity for construction of a replacement school if the replacement school is built for a student capacity that is less than or equal to a 10% increase of the student capacity of the old school; and makes technical corrections.	HC		S					
<a href="#">HB 217</a>	Income Tax Revisions	C. Wimmer	This bill reduces tax rates under the Corporate Franchise and Income Taxes chapter and the Individual Income Tax Act from 5% to 4.75%; and makes technical and conforming changes. This bill takes effect for a taxable year beginning on or after January 1, 2011.	HR		O					
<a href="#">HB 233</a>	Retirement Office Amendments	D. Ipson	This bill provides that only two of the four appointed Utah State Retirement Board members, with experience in investments or banking, can be appointed every two years; provides that any retirement benefit not just service credit must be forfeited when service credit is purchased; provides that purchase of service credit made on or after July 1, 2010, shall be made in accordance with rules in effect at the time the purchase is completed, and the cost of the purchase will not be recalculated at the time of retirement; provides that payments made for a salary protection program for a disabled employee shall be paid over the period of the disability and shall not include settlement or lump sum payments; clarifies that a member may not be employed on the retirement date by any other participating employer in the same system from which the member is retiring; allows an attorney or a person appointed as a conservator or guardian of the eligible employee who is unable to apply for long-term disability benefits to make an application and prohibits an application for a deceased employee; provides that after the date of disability, cost-of-living increases to any offsetting benefits may not be considered in calculating monthly disability benefits; and provides that monthly disability benefits shall cease when the eligible employee dies.	HC		S					

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<a href="#">HB 246</a>	Retirement Benefits for Charter School Employees	C. Watkins	This bill provides that a member, a participating employer, or a member and a participating employer jointly may purchase service credit equal to the period of the member's employment in a charter school located within the state if the member forfeits certain retirement benefits under any other retirement system or plan for the period of employment to be purchased; and makes technical changes.	HR		N					
<a href="#">HB 259</a>	Property Tax Amendments	W. Harper	This bill modifies the time at which certain qualifications for a county assessor in a county of the first, second, or third class are determined; expands a requirement to conduct an annual update of property values using a mass appraisal system so that the requirement applies to assessors in counties of the third, fourth, fifth, and sixth class in addition to county assessors in first and second class counties; modifies a provision relating to a notice that the county auditor is required to provide so that it includes information about the percentage of change in the dollar amount of taxes under the current year's rate as compared to the dollar amount under the previous year's rate; modifies the time within which a taxpayer may file an appeal relating to the value of personal property; modifies the amounts associated with the homestead exemption; and prohibits a person from claiming a homestead exemption for property acquired as a result of criminal activity.	HR		S					
<a href="#">HB 268</a>	Public School Innovations	K. Grover	This bill specifies the purposes of the Innovation Schools Act; defines terms; allows a school or group of schools in a school district to create an innovation plan and adopt the plan upon approval by the local school board and State Board of Education; specifies suggested innovations; encourages a school and local school board to seek and accept public and private grants, gifts, and donations to implement an innovation plan; provides that a school or group of schools that implements an innovation plan: is exempt from certain laws; and may seek removal from a collective bargaining agreement; requires the State Board of Education to report on schools implementing innovation plans; and makes technical amendments.	HR							
<a href="#">HJR 3</a>	Joint Resolution on Teacher Performance Pay	M. Poulson	This resolution recommends that the goal of any future efforts to develop performance pay or differentiated pay plans for public school teachers should be to ensure that there is a quality teacher in every classroom; and recommends that any proposed performance pay or differentiated pay plan for public school teachers should promote student achievement and support quality instruction, be adequately funded by a sustainable revenue source, promote collaboration, be flexible and responsive to local needs, use fair and objective criteria, be open to all who are eligible, and be in alignment with existing programs and school improvement plans.	HR		S					
<a href="#">SB 16</a>	Utah Performance Assessment System for Students (U-pass) Amendments	H. Stephenson	This bill provides for the statewide assessment of students in grades 2-12 in basic skills courses using criterion-referenced tests or online computer adaptive tests, as determined by the State Board of Education; eliminates a cap on the number of school districts and charter schools that may participate in a pilot assessment system; extends the pilot assessment systems through July 1, 2015; eliminates the requirement to administer a statewide norm-referenced test in grades 3, 5, and 8; and makes technical amendments.	HC	S	S					
<a href="#">SB 37</a>	Impact Fee Revisions	W. Niederhauser	This bill defines terms; amends public notice requirements; directs a local government entity to refund an impact fee if a court ruling is consistent with an advisory opinion issued by the Office of Property Rights Ombudsman on the impact fee; and makes technical corrections.	S							
<a href="#">SB 42</a>	Retirement Eligibility Modifications	D. Liljenquist	This bill provides, through a graduated scale, a zero to five year increase in the number of years of service credit a member must accrue to retire at any age based on years of service credit accrued on July 1, 2011 from the current: 30 years to 35 years in the Public Employees' Contributory and Noncontributory Retirement Systems; and 20 years to 25 years in the Public Safety Contributory and Noncontributory and the Firefighters Retirement Systems; provides that, in the Public Employees' Contributory and Noncontributory Retirement Systems, if a retiree is less than 65 years of age and has not accrued the years of service credit needed to retire at any age, and the allowance is reduced by the full actuarial amount instead of 3% for each year of retirement from age 60 to age 65. This bill takes effect on July 1, 2011.	SR		H					
<a href="#">SB 43</a>	Post-retirement Employment Amendments	D. Liljenquist	This bill defines terms; repeals a requirement that a participating employer who hires a retiree contribute the same percentage of a retiree's salary that the participating employer would have been required to contribute if the retiree were an active member of the retirement system; requires a participating employer who hires a retiree to contribute the amortization rate for the reemployed retiree to the retirement system that would have covered the retiree in the new position; provides that a retiree from the Utah State Retirement System who returns to work with a participating employer on or after July 1, 2010 is returned to active member status to earn additional service credit but: the retiree's allowance is canceled; and the employer's retirement contribution is made to the retirement system on behalf of the retiree for additional service credit; provides that a retiree who begins reemployment on a part-time basis with any participating employer on or after July 1, 2010 is subject to certain earnings limitations; and repeals the maximum allowance that a member may receive for a member who initially retires on or after July 1, 2010, in the various systems. This bill takes effect on July 1, 2010.	SC		H					

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<a href="#">SB 49</a>	Vending Machines in Public Schools	P. Jones	This bill provides a list of allowed beverages that may be sold in vending machines at elementary and secondary schools; and establishes compliance dates.	SR		H					
<a href="#">SB 54</a>	Health Education Amendments	S. Urquhart	This bill directs the State Board of Education to: establish curriculum requirements that include instruction in human development, healthy relationships, and reproductive health, including a general discussion of contraception with its benefits and limitations; and select instructional materials for use in a general discussion of contraception with its benefits and limitations; imposes restrictions relating to health instruction; requires that instructional materials for health instruction provide opportunities for interaction between a student and the student's parent or guardian; and makes technical amendments.	L							
<a href="#">SB 55</a>	Authorization of Charter Schools by Higher Education Institutions	J. Adams	This bill defines terms; subject to approval by the State Board of Education, allows a board of trustees of a higher education institution to enter into an agreement with certain individuals or entities to establish and operate a charter school; allows a fee to be charged for a board of trustees' costs of providing oversight and technical support to a charter school; specifies procedures for applying for authorization of a charter school by a board of trustees of a higher education institution; specifies the responsibilities of a board of trustees of a higher education institution that authorizes a charter school; and makes technical amendments.	L							
<a href="#">SB 77</a>	School District Leave Policies	M. Dayton	This bill prohibits a local school board from granting paid association leave; requires reimbursement to a school district of the costs for certain employees, including benefits, for the time that the employee is on unpaid association leave; and makes technical changes.	SC		LI					
<a href="#">SB 87</a>	School Property Tax Equalization Revisions	G. Davis	This bill repeals the requirement to impose and distribute certain school capital outlay property tax revenues in school districts located within a first class county or divided school district; and makes technical changes. This bill has retrospective operation for a taxable year beginning on or after January 1, 2010.	SR		H					
<a href="#">SB 94</a>	Supplemental Benefit Amendments for Noncontributory Public Employees	D. Liljenquist	This bill removes for employees that began full-time employment with the state or its educational institutions on or after July 1, 1986, the requirement that 1.5% of salary be paid into the 401(k) account of state and educational institution employees in the Public Employees' Noncontributory Retirement System; requires a participating employer to determine whether an employee is eligible to receive the 1.5% of salary nonelective contribution; provides a maximum 12 month look-back period to correct errors in the nonelective contribution; and makes technical changes. This bill takes effect on July 1, 2010.	SC		H					
<a href="#">SB 110</a>	Revisor's Statute	M. Dayton	This bill modifies parts of the Utah Code to make technical corrections including eliminating references to repealed provisions, making minor wording changes, updating cross references, correcting numbering, and fixing errors that were created from the previous year's session.	SC							

USBE Comments:

HB 194, Grants for Math Teacher Training: USBE is concerned with the funding source. Concerns with no guarantee the grants will be for Utah teachers or that they will be teaching in Utah.